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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,438	11/03/2003	Keisuke Kii	Q78133	2685
65565 7590 01/17/2007 SUGHRUE-265550			EXAMINER	
	LVANIA AVE. NW		MAPLES, JOHN S	
WASHINGTON, DC 20037-3213			ART UNIT	PAPER NUMBER
			1745	
				-
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 DAYS		01/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
	10/698,438	KII ET AL.
Office Action Summary	Examiner	Art Unit
	John S. Maples	1745
The MAILING DATE of this communication appeared for Reply	ppears on the cover sheet w	vith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by statu. Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 1.136(a). In no event, however, may a d will apply and will expire SIX (6) MO ute, cause the application to become A	ICATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status	•	
1) Responsive to communication(s) filed on	•	
	is action is non-final.	
3) Since this application is in condition for allow	ance except for formal ma	tters, prosecution as to the merits is
closed in accordance with the practice under	Ex parte Quayle, 1935 C.I	D. 11, 453 O.G. 213.
Disposition of Claims		
4) ☐ Claim(s) 1-13 ie/are pending in the application 4a) Of the above claim(s) is/are withdrest is/are allowed. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-13 are subject to restriction and/or	awn from consideration.	
Application Papers		•
9) The specification is objected to by the Examir 10) The drawing(s) filed on is/are: a) according a deplicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examiration is objected to by the Examiration is objected.	ccepted or b) objected to e drawing(s) be held in abeya ection is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bure. * See the attached detailed Office action for a list	nts have been received. Ints have been received in a corrective documents have been au (PCT Rule 17.2(a)).	Application No n received in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C.

- 1. Claims 1-8, drawn to a porous film, classified in class 428, subclass 44.
- II. Claims 9-11, 13, drawn to an electrode/film laminate/battery, classified in class 429, subclass 206.
- III. Claim 12, drawn to a method of producing a battery, classified in class 29, subclass 623.1.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the particular glass transition temperature of the reactive polymer to be from –30°C to 100°C. The subcombination has separate utility such as for use as a moisture protector/barrier for an electrical device used in the outdoors.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are

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subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

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Inventions III and I/II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the products as claimed in both Groups I and II could be made by a materially different method such as without the electrolyte required by the Group III process.

- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their different subject matter and recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday, 6:15-3:45, and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSM/1-3-2007

JOHN S. MAPLES